

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THOMAS R. AHERN,

Plaintiff,

v.

SIG SAUER, INC. AND CITY OF  
CAMBRIDGE,

Defendants.

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C.A. No. 21-11007-DJC

**PLAINTIFF’S OPPOSITION TO THE CITY OF CAMBRIDGE’S  
MOTION TO EXTEND THE DEADLINE TO RESPOND  
TO THOMAS AHERN’S MOTION TO COMPEL**

The request by the City of Cambridge (“Cambridge”) for an extension of time to file a response to Plaintiff Thomas Ahern’s (“Ahern”) motion to compel is a continuation of its pattern of delay and should be denied. In support thereof, Plaintiff states as follows:

1. On December 19, 2022, Cambridge and Ahern’s counsel held a meet-and-confer during which they discussed discovery issues, many of which had already been raised in Ahern’s motion to compel filed nearly two months prior, on October 27, 2022. Docket Entry (“D.E.”) 63. During the meet-and confer, Ahern’s counsel indicated their intent to file a motion to compel based on the issues disputed and discussed at length during the meeting.
2. On December 23, 2022, Ahern’s counsel contacted Cambridge purely to seek assent for a motion to seal an attachment to the motion to compel. Ahern’s counsel also called Cambridge’s Legal Department twice to obtain their assent to the motion. Cambridge had marked the proposed attachment “confidential” in a discovery production to Ahern. The motion to seal was not controversial, as it simply honored the agreed-upon process

for filing documents marked “confidential” under the Protective Order. Having already conducted a lengthy meet-and-confer with Cambridge as to pending discovery issues, Ahern’s counsel had no obligation to hold yet another meet-and-confer as to those same issues.

3. Cambridge counsel has had notice of every issue raised in the motion to compel since, at the latest, the meet-and-confer held on December 19.
4. Cambridge suggests that Ahern’s counsel filed the motion to compel on December 23, 2022 in a deliberate ploy to disadvantage Cambridge. This claim could not be farther from the truth. Document discovery in this case was to be closed by November 30, 2022. D.E. 67. Ahern’s counsel received thousands of pages of documents and privilege logs from Cambridge in late November and throughout December and sought to file their motion to compel as close to the deadline for fact discovery as possible, the same week that they conferred with Cambridge counsel.
5. Ahern’s counsel has no reason to believe that Cambridge did not have access to the filing by virtue of being out of office. As is standard in the practice of law, counsel for Cambridge presumably have access to email on portable electronic devices and should have received an ECF notice despite not physically being in the office. Through widely accessible technologies, any filing is available through a smartphone so long as an ECF notice is sent by email, as would have been the case here.
6. Cambridge has repeatedly faulted Ahern’s counsel for Cambridge’s own failure to comply with discovery obligations and make deadlines. Their most recent request is simply the latest attempt to delay proceedings and should not be allowed.

For the foregoing reasons, Cambridge’s Motion to Extend the Deadline should be DENIED.

Respectfully submitted,

/s/ Michelle R. Pascucci

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Counsel for Plaintiff Thomas R. Ahern

Dated: January 4, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 4, 2023.

/s/ Michelle R. Pascucci

Michelle R. Pascucci